UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| WAYNE NEVILLE MORRIS, | CASE NO. C17-0268-JCC |
| Plaintiff, | MINUTE ORDER |
| v. | |
| UNITED STATES OF AMERICA, | |
| Defendant. | |

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the Government's motion to continue the stay in this matter (Dkt. No. 13). The Court previously stayed all proceedings in this 28 U.S.C. section 2255 action until the Ninth Circuit Court of Appeals had rendered opinions in three relevant cases. (*See* Dkt. Nos. 7, 8.) The Court ordered the parties to file a proposed briefing schedule within 30 days of the Court of Appeals issuing its judgment in the last of the three cases. (Dkt. No. 8.) On March 9, 2018, Petitioner filed a motion requesting that the Court take action on his case because the appeals in all three cases were complete. (Dkt. No. 9.) The Court delayed consideration of the motion until the parties had requested a lift of the stay and proposed a briefing schedule. (Dkt. No. 10.)

In its motion, the Government notes that while the Court of Appeals has rendered its

1 opinion in the last of the three appeals, *United States v. Watson*, 881 F.3d 782 (9th Cir. 2018),

2 there is a pending motion for rehearing *en banc* in that case. (Dkt. No. 13 at 1.) The Court agrees

3 with the Government that it should not lift the stay until all appeals have become final.

4 Therefore, the parties are ORDERED to submit a proposed briefing schedule within 30 days

5 after the appeal becomes final in *Watson*. Until then, the stay remains in place. The Clerk is

6 DIRECTED to mail a copy of this order to Petitioner.

7     DATED this 27th day of March 2018.

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             William M. McCool
             Clerk of Court

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             s/Tomas Hernandez
             Deputy Clerk

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